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37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 16, 2003  
Date

Shelley P.M. Fussey

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773/1600/2000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Hills *et al.*

Serial No.: 09/856,400

Filed: May 22, 2001

For: Anti-Asthmatic Combinations Comprising  
Surface Active Phospholipids

Group Art Unit: 1616

Examiner: M. Haghigatian

Atty. Dkt. No.: 4040:000300

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 16, 2003, finally rejecting claims 1-37.

The fee for filing this Notice of Appeal is \$330 and is attached hereto.

Also, a request for a three month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This three month extension will bring the due date to December 16, 2003. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

12/22/2003 00000123 09856400  
01 FC:1401  
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If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Director is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4040.000300.

Respectfully submitted,

Williams, Morgan & Amerson, P.C.  
Customer No. 23720



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Date: December 16, 2003